

From: CopWatch@aol.com

Date: Wed, 5 Jun 1996 22:17:01 -0400

Subject: Macon Update - IMPORTANT information

The following article sheds a whole new light on the government's piss poor case. Last night I had an hour long conversation with a 20 year veteran ATF agent, who is currently battling the same agency he worked for. An interesting point he made to me is that federal law requires, that once a government informant is "wired" for the purposes of gathering intelligence, then that informant must be wired for EVERY meeting that is listed as evidence in the ATF's status report. Mr. Gillis admitted on the stand that this CI was not wired, however this meeting is listed in the ATF status report, of which I have a copy. One can only guess the reasons that Danny and Kevin Barker (CIs) had for breaking the government's own rules... I think it may have something to do with the fact that they did not want their ATF handlers to know they were also pushing dope during these militia meetings.

Another interesting point that I have learned is the ATF was originally going to publicize this case as an international terrorist conspiracy to cause problems at the Olympics, however, to do this would involve FBI and Customs, so, instead, one of ATF's PR people in Washington tipped CBS news that these "Macon Pipe Bombers" were targeting the Olympics. The reason CBS will not retract their story is because they have documentation that proves ATF Washington did in fact tip them to this fabricated story.

Again, stay tuned for further developments.

Jeff Randall

Forwarded message:

From: 71562.2561@CompuServe.COM (mike tanner)

To: CopWatch@aol.com

Date: 96-06-05 21:01:45 EDT

News Release: Macon Telegraph, June 5, 1996, Page 1B

Title: Judge ponders bond for bomb suspect

Third militia member pleads not guilty

Author: Audrey Post

The lawyer for the third suspect in what the government calls a militia bomb conspiracy described his client Tuesday as someone who "likes to play Army and talks a little loose," but not a bomb-maker who plotted a war against federal agents.

Troy Allen Kyser, also known as Troy Spain, pleaded not guilty Tuesday morning in U.S. District Court in Macon. U. S. Magistrate Judge Richard Hodge said he would rule by Thursday afternoon on whether to allow Kyser, to be released on bond until his trial.

Kyser's attorney, Gregory Spicer, asked Hodge to deny prosecutors' request to keep Kyser jailed and instead to set a reasonable bond.

Hodge noted that he is "not a strong proponent of pretrial detention"

but that sometimes the evidence indicates it is warranted. He promised to consider carefully the evidence and arguments presented during the hour-long hearing.

Last month, U. S. District Court Judge Wilbur D. Owens Jr. denied bond for the other two defendants in the case, Robert Edward Starr and William James McCranie. They have been jailed since their arrests April 26 when they were charged with conspiring to make pipe bombs.

The same day, federal and local agents raided two tracts of land in Crawford County one owned by Starr and the other McCranie's residence, and seized pipes and chemicals they said could be used to make bombs.

Kyser was not publicly connected to the case until May 28, when a federal grand jury indictment that had been issued two weeks earlier was unsealed. Kyser surrendered voluntarily that evening.

After entering his plea, Kyser was provided a copy of the estimated sentencing guidelines compiled by the federal probation office. Under those guidelines, Kyser could receive a maximum possible sentence of 210 to 262 months -- 17.5 to 21.8 years -- should he be convicted or change his plea to guilty. Starr and McCrannie were given the same estimated sentences at their arraignment last Thursday.

[Photo]

Bomb conspiracy suspect Troy Allen Kyser,
left, is escorted by a deputy U.S. Marshal as
he leaves U.S. District Court in Macon on

Tuesday morning.

Life in prison is the maximum penalty allowed for two of the crimes with which the men have been charged. However, federal sentencing guidelines take into account a number of other factors. There is no parole in the federal court system.

'Absolutely no evidence'

Kyser, wearing a blue jail uniform over a white T-shirt, was escorted into the court-room Tuesday by almost a dozen deputy U.S. marshals. His wife and several friends from the Georgia militia filled one bench of the spectator section.

During the hour-long hearing. Kyser's attorney got the government's only witness to admit there is no evidence that Kyser ever touched or manufactured a bomb. "There is absolutely no evidence on the planet Earth that he's ever had a bomb in his hands, is there?" Spicer asked Agent Stephen W. Gillis of the Bureau of Alcohol Tobacco and Firearms.

When Gillis responded that Kyser was present during discussions about bombmaking. Spicer said, "That's not what I asked." Gillis then answered, "No, there's no evidence."

One of the three counts against Kyser in the five count federal indictment charges him with possession of a destructive device, or bomb. The other two counts charge that he conspired with co-defendants Starr and McCranie to use a destructive device in a violent crime, and

conspired with them to use weapons of mass destruction. The other two counts charge Starr with possessing a semi-automatic assault weapon, and Starr and McCranie with threatening a federal law enforcement officer. Gillis also testified that Kyser was present, along with a half dozen other militia members, when chemicals for the bombs were purchased at a gun show. But Spicer coaxed from the agent that the government has no evidence Kyser ever purchased or stole a bomb component himself, or that he had any direct knowledge of how to build a bomb.

'Special Operations Team'

Much of Gillis' testimony Tuesday echoed his statements at earlier hearings for Starr, 34; and McCranie, 30, although it focused more on the 28 year-old Kyser's alleged role.

Gillis testified that Kyser was to select and train a militia "Special Operations Team" to assassinate politicians in Washington, D.C., if agents ever took action against the militia. The "team" was also supposed to rescue any militia members who were arrested, according to the indictment, and to kill any members who could not be "extricated."

Under cross examination, however, Gillis acknowledged that the discussions about choosing the "team," assassinating politicians and rescuing arrested militia members had not been tape-recorded by the ATF's confidential informants. The government's informants, who have not yet been named in court, provided audio tapes of some militia gatherings.

"We were not aware of any actual planning to assassinate high-level

politicians," Gillis testified.

The "team" had targeted the Macon Police SWAT team, Fort Benning, National Guard convoys and the Federal Emergency Management Agency for robbery in the "event of "war" with federal agents, Gillis testified. Militia members were to steal weapons and explosives from the first three targets, but FEMA "was just listed as a target of opportunity," he said.

When asked about the militia team's plans to blow up buildings, bridges and communications towers in the "war," Gillis said that conversation had been taped. When asked if Kyser himself had made the statements, Gillis said, "I don't recall at this point who it was that made that comment."

The "team" was to pick which bridges to blow up by throwing darts at a map of Georgia, Gillis testified.

Risk of flight

Assistant U.S. Attorney Sharon Ratley urged the magistrate not to set bond for Kyser. She said his behavior after child welfare authorities in Washington County wanted to question two of his four step-children makes him a flight risk and likely to try to intimidate witnesses.

Gillis had testified earlier that Kyser and Starr led an aborted armed mission to the Sandersville office of the Department of Family and Children Services in April, shortly after Kyser and his wife received a

letter telling them to bring the children to the DFACS office for evaluation. Gillis also said the family disappeared soon afterward.

"When he merely thought that Department of Family and Children's Services officials wanted to question his children, he left. They didn't even pack up," Ratley said.

"There is absolutely no evidence of ties to the Middle Georgia community," she said, adding that Kyser's mother-in-law "was not privy to where they were" during their disappearance.

The ATF agent also testified that Georgia Bureau of Investigation agents could not find Kyser to serve him with a federal grand jury subpoena shortly after Starr and McCrannie were arrested. ATF agents had been looking for him too, Gillis said.

Neither Ratley nor Gillis explained how Kyser went from a potential grand jury witness to an indicted co-defendant in three weeks.

Kyser's wife, Cheryl Spain, said last week the family moved from Sandersville to Warner Robins about a month ago.

After the hearing, Kyser's attorney characterized the government's case as "weak."

"I don't think they made any grandiose plans," Spicer said. "There was some loose talk that's all."